

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

Date 05/21/2021
Time 01:08:57 PM to 03:50:48 PM
Place SCR 354
This Meeting was called to order by Carlos Perez
This Report was prepared by Elizabeth Burger

Attendance	
Hunter Barnett	X
Heather Barry	X
John Buckley	X
Samuel	X
Greenidge	X
Constance	X
Hass	X
Gary Horvath	X
Aislinn Kottwitz	X
Amber	X
McReynolds	X
Blanca Uzeta	X
O'Leary	X
Robin	X
Schepper	X
Kevin Fletcher	X
Carlos Perez	X

X = Present, E = Excused, A = Absent, * = Present after roll call

Hearing Items	Action Taken
Approval of Agenda and Minutes	Agenda and Minutes Approved
Public Comment	Committee Discussion Only
Presentation on Incarcerated Population	Committee Discussion Only
Unfinished Business	Committee Discussion Only
New Business	Meeting Locations List Approved
Subcommittee Reports	Committee Discussion Only
Commissioner Communications	Committee Discussion Only
Future Meeting Items	Committee Discussion Only

Approval of Agenda and Minutes - Agenda and Minutes Approved

01:11:43 PM

Chair Perez called the meeting to order. Meeting materials can be accessed here: <https://coleg.box.com/s/kww6zcyvadjbn0loh967ojfdq6acdsv>

The commission approved the meeting agenda and the meeting summaries from May 7 and May 14 by acclamation.

Public Comment - Committee Discussion Only

01:12:25 PM Amanda Gonzalez, Common Cause, spoke regarding the process of the reallocation of incarcerated persons. She said that the average length of stay in prison is 36 months, but redistricting only occurs every 10 years. She said that prisoners are arbitrarily included in districts in which prisons are located, which skews representation in those districts. She noted that the process of reallocating incarcerated persons has been upheld by other states.

01:13:57 PM Commissioner Buckley asked about the reallocation of students, and Ms. Gonzalez responded.

01:21:52 PM Aleks Kajstura, Prison Policy Initiative, discussed the process of counting incarcerated persons, noting that incarcerated persons do not have a relationship with the community in which they are physically located on Census count day. She commented on the differences between counting students and counting incarcerated persons. She discussed the Census data for incarcerated persons and differential privacy (DP), stating that the U.S. Census Bureau is refining the DP process. She explained that the U.S. Census Bureau provides tools to aide the reallocation process, and that there will be bumps in the process, but that should not deter the commission from attempting to reallocate incarcerated persons. Ms. Kajstura responded to questions from the commission.



Presentation on Incarcerated Population - Committee Discussion Only

- 01:29:25 PM Jerry Barry, Independent Redistricting Commissions Staff, began by explaining the process of reallocating prisoners. He noted that two states engaged in the process in 2011, and additional states are exploring the process in this redistricting cycle. He noted the issue was litigated ten years ago, and these cases upheld the ability of states to engage in the process. He highlighted the arguments in favor of reallocating prisoners. He responded to questions from Commissioner Fletcher about how the issue relates to the principle of one person one vote.
- 01:37:26 PM Mr. Barry continued by discussing the potential cons of reallocating incarcerated persons. He noted that Colorado has counted prisoners in the districts of the prison in which they are located for the past 50 years. He discussed the potential partisan nature of the issue. He responded to questions from the commission regarding the movement of persons in and out of districts, and other states that have engaged in the process of reallocating incarcerating persons. Mr. Barry further responded to questions about whether the congressional and legislative commissions would both have to agree to engage in the process in order for the process to occur. Mr. Barry further responded to questions from the commission regarding compliance with state law and the interrogatories that are pending before the Colorado Supreme Court. He further responded to questions about reallocating out-of-state incarcerated persons, and Mr. Barry noted that the commission is not able to reallocate federal incarcerated persons.
- 01:47:26 PM Mr. Barry continued by discussing the reallocation process. He explained that the commission has been provided a list of incarcerated persons in state facilities as of April 2021, including the person's last known address and demographic data. He discussed how the process of reallocating the incarcerated persons would happen, and how the use of DP by the U.S. Census Bureau complicates the process. Mr. Barry commented on processes that the commission would have to provide guidance on, for instance, if the U.S. Census Bureau data indicates there are fewer incarcerated persons in the census block than those identified by the Colorado Department of Corrections. The commission discussed the process of giving input to staff on how to address the reallocation process.
- 02:05:27 PM Louis Pino, Independent Redistricting Commissions Staff, shared information about in which facilities and in which counties the incarcerated population is located, and responded to commissioner questions regarding the noise in the data that will be added by the DP process. Commissioner Buckley asked about the process of relocating the incarcerated population and into which counties that they are likely to be relocated. Mr. Pino noted that the data was preliminary and could change as the process continues.
- 02:13:04 PM Mr. Pino responded to questions from the commission regarding persons incarcerated in federal prisons, the terminology to use for the process of the reallocation of individuals incarcerated in prisons, and the federal Voting Rights Act. Mr. Barry noted that the preliminary plan will not include any adjustments to reallocate the incarcerated population. Commissioner Greenidge commented on the number of persons involved in the reallocation process.

Unfinished Business - Committee Discussion Only

- 02:27:25 PM The commission discussed the redistricting timeline and public comment process. Mr. Barry discussed the comment process for the preliminary plan, and clarified that the deadline for comments is so that staff can consider the comments when creating the preliminary plan. Jessika Shipley, Independent Redistricting Commissions Staff, noted that the commissioners should submit comments through the web comment form or by emailing the redistricting commission email address, and staff would consider them with the general public comments when creating the preliminary plan. She further responded to questions about the ability of commissioners to suggest changes to the staff maps.

New Business - Meeting Locations List Approved

- 02:41:04 PM Commissioner Schepper noted that the legislative and congressional commissions have been working together on a proposed set of public hearing locations. She shared the list of possible hearing locations, and the rationale for picking specific locations.



02:50:21 PM Commission discussion of specific hearing locations continued. The commission discussed when the public hearings would begin and by what date they must conclude.

02:55:19 PM Motion Approve locations as presented (second by Horvath)
 Moved Constance Hass
 Seconded

Hunter
 Barnett
 Heather
 Barry
 John
 Buckley
 Samuel
 Greenidge
 Constance
 Hass
 Gary
 Horvath
 Aislinn
 Kottwitz
 Amber
 McReynolds
 Blanca
 Uzeta
 O'Leary
 Robin
 Schepper
 Kevin
 Fletcher
 Carlos
 Perez

YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection

02:55:59 PM The commission took a brief recess.

Subcommittee Reports - Committee Discussion Only

03:07:03 PM The commission reconvened. Commissioner O'Leary commented on the oral arguments on the interrogatories submitted by the legislature to the Colorado Supreme Court on the redistricting process. Mr. Barry commented on the oral arguments.

03:08:55 PM Commissioner Horvath gave the update from the Mapping and Qualitative Methods Subcommittee, and discussed issues related to the federal Voting Rights Act, and how to receive consulting advice on the issue. Mr. Barry commented on contracting for this expertise, and the commission discussed the issue. Mr. Barry responded to questions from the commission regarding the redistricting criteria and competitiveness in districts.

Commissioner Communications - Committee Discussion Only

03:23:28 PM There were no staff reports. Commissioner Barry commented. Commissioner Greenidge described the area where he lives in the 4th congressional district, and described the issues of importance to his community. Commissioner Horvath commented on the release of data on jobs and the unemployment rate. Commissioner Barnett did not have a report.

Future Meeting Items - Committee Discussion Only

03:50:48 PM The committee adjourned.

